



CITY OF NEWPORT BEACH

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September 10, 2024

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Mayor

Will O'Neill

Mayor Pro Tem

Joe Stapleton

Council Members

Brad Avery

Noah Blom

Robyn Grant

Lauren Kleiman

Erik Kenneth Weigand

RE: AB 2023 (Quirk-Silva): Housing Element: Inventory of Land: Rebuttable Presumptions. City of Newport Beach – Request for Veto

Dear Governor Newsom,

The City of Newport Beach requests your veto of AB 2023 (Quirk-Silva), which would create a rebuttable presumption that a local government's housing element or amendment is invalid if the Department of Housing and Community Development (HCD) found that the housing element or amendment is not substantially in compliance with housing element law and makes various changes to the housing element process.

AB 2023 effectively shifts the balance of power away from local jurisdictions, placing too much authority in the hands of HCD. The existing legal framework already grants HCD substantial deference in reviewing housing elements. By introducing a rebuttable presumption of invalidity, the bill would make it exceedingly difficult for cities and counties to defend their housing plans, even when acting in good faith. Local governments understand their communities' unique needs and constraints, and AB 2023 undermines this local expertise by imposing a one-size-fits-all approach.

Additionally, AB 2023's proposed changes do not account for the complex and varied challenges that different jurisdictions face in meeting state housing goals. The assumption that HCD's determinations are perfect disregards the nuance and localized considerations that go into developing housing elements. The bill's approach risks penalizing jurisdictions that are actively working to address housing needs but face legitimate obstacles outside their control.

Instead of imposing additional corrective measures, the legislature should focus on enhancing support and collaboration between HCD and local governments. Encouraging partnership will better serve the goal of increasing affordable housing across California.

For these reasons, I urge you to oppose AB 2023 and consider alternative approaches that respect local authority while promoting compliance and cooperation in addressing California's housing crisis.

Sincerely,

Will O'Neill

Mayor

cc: Assemblymember Sharon Quirk-Silva
Newport Beach City Council